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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,110	10/06/2003	Jung Hua Lin	MR3015-50	1073

7590 06/30/2005

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EXAMINER

AMERSON, LORI BAKER

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,110	LIN, JUNG HUA	
	Examiner	Art Unit	
	L Amerson	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Augustine. Augustine discloses a mainframe 13, pivotal support frame 26 mounted on the main frame and arc-shaped rocking bar 19 fixed to the main frame. The bar has two ends 20 fixed on the main frame (figure 1).

3. Claims 1, 6-7, 10 and 13-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Fernandez. Fernandez discloses a mainframe, pivotal support frame mounted on the main frame and arc-shaped rocking bar fixed to the main frame (fig. 1). The bar has two ends 20 fixed on the main frame (figure 1-2). As to claim 7, further comprising a retractably mounted bar on the main frame (fig. 9-10). As to claim 10, two operation handles mounted on the frame (fig. 10). As to claim 13, the two handles have a grip (fig. 4). As to claim 14, the frame has fixing plates to mount a backrest (fig. 1-2).

4. Claims 1, 3, 7, 9-11 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Tornabene '151. Tornabene discloses a mainframe 42, pivotal support frame 60 mounted on the main frame and arc-shaped rocking bar 72 fixed to the main frame (fig. 1). As to claim 3, the frame has a fixed tube and the support has a pivot rack to mount on the frame (fig. 1). As to claim 7, further comprising a retractably mounted

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bar on the main frame (24). As to claim 9, the bar has a transverse bar to mount a head cushion (16). As to claim 10, two operation handles mounted on the frame (31). As to claim 11, the two handles have are adjustably mounted (36). As to claim 14, the frame has fixing plates to mount a backrest (col. 2, lines 44-53).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 6-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tornabene '938. Tornabene discloses a mainframe 32, pivotal support frame 57 mounted on the main frame and arc-shaped rocking bar 3 fixed to the main frame (fig. 1). As to claim 3, the frame has a fixed tube and the support has a pivot rack to mount on the frame (fig. 1). As to claim 6, the rocking bar has two ends mounted to the frame (fig. 1). As to claim 7, further comprising a retractably mounted bar on the main frame (40). As to claim 8, the frame has adjusting holes for the bar and elastic plated mounted in the bar (fig. 1). As to claim 9, the bar has a transverse bar to mount a head cushion (fig. 1). As to claim 10, two operation handles mounted on the frame (50). As to claim 11, the two handles have are adjustably mounted (fig. 1; 14-support bar). As to claim 13, the handles have a grip (fig. 1). As to claim 14, the frame has fixing plates to mount a backrest (30).

6. Claims 1, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gossie. Gossie discloses a mainframe 11, pivotal support frame 40 mounted on the main frame and arc-shaped rocking bar 41 fixed to the main frame (fig. 1). As to claim 10, two operation handles mounted on the frame (33,34). As to claims 11-13, the two

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handles have are adjustably mounted and have a grip (col. 2-3, lines 61-67 and 1-15).

As to claim 14, the frame has fixing plates to mount a backrest (fig. 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tornabene '151 as applied to claim 1 above. As to claims 2 and 4, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the device of Tornabene by creating a y-shaped frame and two support legs instead of one because Applicant has not disclosed that a y-shaped frame and two legs provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any shaped support frame and the one leg because any shaped support frame and the one leg is capable of performing in the same capacity as two support legs and any shaped support frame. Therefore, it would have been an obvious matter of design choice to modify Tornabene to obtain the invention as specified in claims 2 and 4.

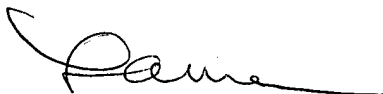
8. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'L. Amerson', with a long horizontal stroke extending to the right.

L. Amerson